

Application No. 10/705,591
Response dated: May 2, 2006
Reply to Office action of February 2, 2006

REMARKS

In response to the Office Action dated February 2, 2005, Applicants respectfully request reconsideration based on the above claim amendments and the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-20 are pending in the present Application. Claims 1, 11 and 17 are amended leaving Claims 1-20 for consideration upon entry of the present amendments and following remarks.

Support for the claim amendments is at least found in the specification, the figures, and the claims as originally filed. Particularly, the support for amended Claim 1 is at least found in the originally filed specification at page 7, line 25. Support for amended Claims 11 and 17 is at least found in originally filed Figures 2-4 and in the specification at page 10, lines 10-25.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Rejections – 35 USC §112

Claims 11 and 17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims recite “wherein the protrusion of the reflector has a diameter,” but does not teach a definite circular, spherical or cylindrical shape beforehand for said protrusion. Therefore, Applicant should provide basis for defining a diameter prior to the limitation.

In response, Applicants amend Claims 11 and 17 to recite “the protrusion is substantially circular, spherical or cylindrical shape.” Reconsideration and withdrawal of the relevant rejections are respectfully requested.

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Claim Rejections Under 35 U.S.C. §102

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Regarding Claim 1, 4 and 5 with respect to Sinkoff, (U.S. Patent No. 6,724,529)

Claims 1, 4 and 5 stand rejected under 35 U.S.C. §102(e) as being anticipated by Sinkoff, U.S. Patent No. 6,724,529, (hereinafter "Sinkoff"). Applicants respectfully traverse the rejections.

Amended Claim 1 recites:

A reflector for a back light assembly for use in an LCD device, comprising:
a base film;
a protrusion provided on a first surface of the base film, the first surface being substantially flat; and
a reflecting layer deposited on the first surface of the base film and the protrusion, for reflecting light generated from a lamp.

Firstly, in the Office Action, light diffusing layer 60, microlenses M and reflective layer 50 of Sinkoff are considered the base film, protrusion and reflecting layer, respectively, of the claimed invention. (See, Figures 2-4 of Sinkoff.) If the microlenses M are considered to be formed on either the forward surface 62 or the rear surface 64 of the light diffusing layer 60, clearly, the forward surface 62 or the rear surface 64 cannot be considered substantially flat. Therefore, Sinkoff does not disclose a base film and a protrusion provided on a first surface of the base film, the first surface being substantially flat of amended Claim 1.

Secondly, Sinkoff discloses that the microlenses M are "formed in light diffusing layer 60" by a number of processes to "yield small lens-shaped concavities or solid embossed light-refracting elements therein." (Col. 5, lines 21-26 and Figs. 2-4.) The microlenses M are essentially the diffusing layer 60 but merely a shaped portion of the diffusing layer 60. That is, the microlenses M of Sinkoff are formed *in the diffusing layer as one body*. The same feature cannot be deposited on itself and therefore, microlenses M formed in the diffusing layer cannot

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be considered as the protrusion of the claimed invention. Therefore, Sinkoff further does not disclose a protrusion provided on a first surface of the base film of amended Claim 1.

Thirdly, notwithstanding that Sinkoff does not disclose the first surface or the protrusions of the claimed invention, for purposes of the response, microlenses M may be considered to be "protrusion provided on" the light diffusing layer 60 (or base film). Sinkoff further discloses the microlenses M as being "raised structures" (Col. 5, lines 12-16) which would define the microlenses being provided on the forward surface 62 of the light-diffusing layer 60. Lead lines indicating the microlenses M are detailed on the "raised" part of microlens structure. (See, Figure 2.) That is, the forward side 62 would be equivalent to the "first surface" of Claim 1. Sinkoff also discloses that the reflective layer 50 is laminated at an inner or the *rear surface 64* of the light-diffusing layer 60. (Col. 5, lines 15-17 and Fig 2.) Therefore, Sinkoff also does not disclose a protrusion provided on a first surface of the base film, the first surface being substantially flat and a reflecting layer deposited on the first surface of the base film and the protrusion, for reflecting light generated from a lamp of amended Claim 1.

Thus, Sinkoff fails to disclose all of the limitations of amended Claim 1. Accordingly, Sinkoff does not anticipate amended Claim 1. Applicants respectfully submit that Claim 1 is patentable over Sinkoff. Claims 4 and 5 depend from Claim 1, inherit all of the limitations of amended Claim 1, are not further rejected or objected and are correspondingly patentable over Sinkoff and allowable over prior art as cited in the present Office action. Reconsideration of the relevant rejections of Claims 1, 4 and 5 with respect to Sinkoff and allowance of Claims 4 and 5 are respectfully requested.

Regarding independent Claim 1 and Ohnishi et al. (International Application Publication WO 03/032073)

Claims 1 and 9 under 35 U.S.C. §102(a) as being unpatentable over Ohnishi, International Application Publication WO 03/032073 (hereinafter "Ohnishi"). Applicants respectfully traverse the rejections.

Firstly, in the Office Action, resin layer 2 and reflecting layer 1 of Ohnishi are considered as the base film/protrusion and reflecting layer, respectively, of the claimed invention. (See, Figures 1 and 2 of Ohnishi.) If the resin layer 2 surface facing the light guide plate 4 is

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considered as the first surface, clearly, this surface cannot be considered substantially flat. Therefore, Ohnishi does not disclose a base film and a protrusion provided on a first surface of the base film, the first surface being substantially flat of amended Claim 1.

Secondly, Ohnishi discloses that the wavy or curved surfaces of the resin layer 2 is essentially the resin layer 2 but merely a shaped portion of the resin layer. (See, Figure 1.) That is, the wavy surface of Ohnishi is formed *in the resin layer 2 as one body*. The same feature cannot be deposited on itself and therefore, the wavy surface of the resin layer 2 formed in the resin layer 2 cannot be considered as the protrusion of the claimed invention. Therefore Ohnishi further does not disclose a protrusion provided on a first surface of the base film of amended Claim 1.

Regarding Figure 2 of Ohnishi, elastic particles 3 are contained within the resin layer 2. For purposes of this response, if the elastic particle 3 are considered the "protrusion" of the claimed invention, Ohnishi still does not disclose a protrusion provided on a first surface of the base film of amended Claim 1. The elastic particles 3 are formed in the resin layer 2 and cannot be considered as the protrusion of the claimed invention. Therefore Ohnishi still further does not disclose a protrusion provided on a first surface of the base film of amended Claim 1.

Thirdly, notwithstanding that Ohnishi does not disclose the first surface or the protrusions of the claimed invention, for purposes of the response, resin layer 2 alone or resin layer 2 with elastic particles 3 may be considered to be "protrusion provided on" the resin layer 2 (or base film). Figs. 1 and 2 of Ohnishi illustrate the convex portions facing an upper direction towards light guide plate 4, which would define the convex portions being provided on the upper surface of resin layer 2. That is, the upper surface would be equivalent to the "first surface" of Claim 1. Figs. 1 and 2 clearly show reflecting layer 1 being disposed on the lower surface opposite the convex portions and the upper surface of resin layer 2. That is, reflecting layer 1 is not on the convex portion surfaces at all. Therefore, Ohnishi also does not disclose a protrusion provided on a first surface of the base film, the first surface being substantially flat and a reflecting layer deposited on the first surface of the base film and the protrusion, for reflecting light generated from a lamp of amended Claim 1.

Thus, Ohnishi fails to disclose all of the limitations of amended Claim 1. Accordingly, Ohnishi does not anticipate amended Claim 1. Applicants respectfully submit that Claim 1 is

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patentable over Ohnishi, is not further rejected or objected and is therefore allowable. Claim 9 depends from Claim 1, inherits all of the limitations of amended Claim 1 and is correspondingly allowable. Reconsideration of the relevant rejections of Claims 1 and 9 over Ohnishi and allowance of Claims 1 and 9 are respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a)

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Regarding Claims 2 and 3

Claims 2 and 3 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sinkoff. Applicants respectfully traverse.

Claims 2 and 3 variously depend from Claim 1. As discussed above, amended Claim 1 is allowable over prior art. Applicants respectfully submit that Claims 2 and 3 are not further rejected or objected and are therefore allowable as depending from allowable Claim 1. Reconsideration and allowance of Claims 2 and 3 are respectfully requested.

Regarding Claims 6-8

Claims 6-8 are rejected under 35 U.S.C. §103(a) as being unpatentable over Sinkoff in view of Yang et al., U.S. Patent No. 6,151,089 (hereinafter "Yang"). Applicants respectfully traverse.

Claims 6-8 variously depend from Claim 1 and inherit all of the limitations of amended Claim 1. As discussed above, Sinkoff fails to disclose all of the limitations of amended Claim 1 and Claim 1 is allowable over prior art.

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Yang is relied upon as disclosing a reflector using a plurality of deformation prevention parts for preventing the base film from being deformed, whereby the deformation prevention part is embossed on a second surface of the base film opposite to the first surface. Applicants find no disclosure of Yang teaching or suggesting a protrusion provided on a first surface of the base film, the first surface being substantially flat and a reflecting layer deposited on the first surface of the base film and the protrusion, for reflecting light generated from a lamp of amended Claim 1. Therefore, Yang does not cure the deficiencies of Sinkoff regarding the limitations of amended Claim 1 inherited by Claims 6-8.

Regarding Claims 10, 13-16, 19 and 20

Claims 10, 13 and 14 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohnishi et al. in view of Hira et al., U.S. Patent No. 5,961,198 (hereinafter "Hira").

Claim 15 is rejected under 35 U.S.C. §103(a) as being unpatentable over Ohnishi in view of Yang.

Claims 16, 19 and 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Ohnishi in view of Yang and further in view of Hira. Applicants respectfully traverse.

Claims 10, 13-16, 19 and 20 variously depend from Claim 1 and inherit all of the limitations of amended Claim 1. As discussed above, Ohnishi and Yang fail to disclose all of the limitations of amended Claim 1 and Claim 1 is allowable over prior art.

Hira is relied upon as disclosing a plurality of prism teeth formed on a surface of the light guide plate facing the reflector, an optical sheet layer disposed on the light guide plate and having a plurality of prism teeth wherein the prism teeth of the light guide plate are arranged in a direction across the prism teeth (Claims 10, 13, 14, 16, 19 and 20) and . Applicants find no disclosure of Hira teaching or suggesting a protrusion provided on a first surface of the base film, the first surface being substantially flat and a reflecting layer deposited on the first surface of the base film and the protrusion, for reflecting light generated from a lamp of amended Claim 1. Therefore, Hira does not cure the deficiencies of Ohnishi and Yang regarding the limitations of amended Claim 1 inherited by Claims 10, 13, 14, 16, 19 and 20.

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Thus, Ohnishi, Yang and Hira alone or in combination, fail to disclose *all of the limitations* of Claims 10, 13-16, 19 and 20. Accordingly, *prima facie* obviousness does not exist regarding Claims 10, 13-16, 19 and 20 with respect to Ohnishi, Yang and Hira.

Since Ohnishi, Yang and Hira fail to teach or suggest all of the limitations of Claims 10, 13-16, 19 and 20, clearly one of ordinary skill at the time of Applicants' invention would not have a motivation to modify or combine the references, or a reasonable likelihood of success in forming the claimed invention by modifying or combining the references. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Thus, the requirements of *prime facie* obviousness are not met regarding Claims 10, 13-16, 19 and 20 with respect to Ohnishi, Yang and Hira. Applicant respectfully submits that Claims 10, 13-16, 19 and 20 are not further rejected or objected and are therefore allowable. Reconsideration and allowance of Claims 10, 13-16, 19 and 20 are respectfully requested.

Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's noting the allowable subject matter in Claims 11, 12, 17 and 18. Applicants respectfully submit that independent Claim 1, from which Claims 11, 12, 17 and 18 variously depend, is allowable over prior art and that the rejections of Claims 11 and 17 have been overcome, as discussed above. As such, Applicants have not rewritten Claims 11, 12, 17 and 18 in independent form at this time.

Conclusion

All of the objections and rejections are herein overcome. In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. No new matter is added by way of the present Amendments and Remarks, as support is found throughout the original filed specification, claims and drawings. Prompt issuance of Notice of Allowance is respectfully requested.

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The Examiner is invited to contact Applicants' attorney at the below listed phone number regarding this response or otherwise concerning the present application.

Applicants hereby petition for any necessary extension of time required under 37 C.F.R. 1.136(a) or 1.136(b) which may be required for entry and consideration of the present Reply.

If there are any charges due with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130 maintained by Applicants' attorneys.

Respectfully submitted,

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